

SB CRIMINAL REVISION PETITION NO.789/06.
Jogendra & anr. Vs. State & anr.

7.9.2006.

HON'BLE MR.JUSTICE HARBANS LAL

Mr. V.S. Chauhan for the petitioners.
Mr. Arun Sharma PP for the State.

This revision petition under Section 397 read with Section 401 Cr.P.C. is directed against the order dated 22.6.2006 passed by the learned Addl. Sessions Judge No.1, Deeg in Criminal Revision Petition No.52/2006 whereby the revision petition filed by the non-petitioner No.2 has been allowed and the order dated 19.7.2004 passed by the learned Addl. Chief Judicial Magistrate, Deeg, accepting the final report and rejecting the protest petition has been quashed and set aside and the matter has been remitted back to the learned Addl. Chief Judicial Magistrate for fresh order after considering the evidence adduced by the complainant.

The relevant facts are that Yadram, non-petitioner No.2 submitted a typed report at PS Deeg on 21.3.2003 with the allegation that at about 12.00 noon on the previous day i.e. 20.3.2003 when his wife was returning from the field, the petitioners not only wrongly restrained and assaulted her but also outraged her modesty where-upon FIR No.114/2003 came to be registered for the offences under Sections 323, 341 and 354 IPC. After investigation the police filed negative final report. A protest petition being filed by the complainant, preliminary inquiry as per the provisions of Sections 200 and 202 Cr.P.C. was held. The learned Addl. Chief Judicial Magistrate, Deeg

accepted the final report and rejected the protest petition in view of some contradictions noticed in the FIR and the statements recorded on oath. The complainant filed a revision petition before the learned court below which was allowed vide impugned order as indicated above. The said order is under challenge in this revision petition.

I have heard learned counsel for the petitioners, learned PP for the State and have perused the impugned order as well as the relevant materials placed before me.

On a careful consideration of the submissions made at the bar and a scrutiny and examination of the materials on record, I do not find any error, illegality or impropriety in the order impugned so as to call for and warrant interference of this court. Besides this, the order impugned is well considered and well reasoned and has been passed on the basis of the law laid down in this behalf by this court.

Consequently, finding this petition not fit for admission is hereby dismissed. It is, however, made clear that the learned trial court shall while passing fresh order take into consideration, the factum of cognizance having been taken on the complaint filed for the offence under Section 182 IPC by the SHO in this matter.

(HARBANS LAL)J.